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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARTIN CERVANTES VASQUEZ,
ALBERTO GONZALEZ SALGADO, and
ISAAH ALBERTO SALGADO,

Defendants.

CASE NO. 2:20-CR-0193-DAD

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
ORDER

DATE: September 27, 2022

TIME: 9:00 a.m.

COURT: Hon. Kimberly J. Mueller

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for status on September 26, 2022, before Chief District Judge Kimberly J. Mueller, and time was excluded through that date. The case was subsequently reassigned to District Judge Dale A. Drozd and the status conference was reset for September 27, 2022. ECF Nos. 59, 60.

2. By this stipulation, defendants now move to continue the status conference until November 29, 2022, at 9:30 a.m., and to exclude time between September 26, 2022, and November 29, 2022, under Local Code T4.

3. The parties agree and stipulate, and request that the Court find the following:

1 a) The government has represented that the discovery associated with this case to
2 date includes more than 2,053 pages of investigative reports, photographs, affidavits, and other
3 documents, as well as video and audio recordings. All of this discovery has been either produced
4 directly to counsel and/or made available for inspection and copying.

5 b) In addition, the government is preparing additional discovery to provide in the
6 coming days in response to discovery requests from defendants.

7 c) Counsel for all defendants need additional time to review the discovery in this
8 case, to conduct independent factual investigation, to research trial and sentencing issues, to
9 consult with their clients, and to otherwise prepare for trial.

10 d) Counsel for defendants believe that failure to grant the above-requested
11 continuance would deny them the reasonable time necessary for effective preparation, taking into
12 account the exercise of due diligence.

13 e) The government does not object to the continuance.

14 f) Based on the above-stated findings, the ends of justice served by continuing the
15 case as requested outweigh the interest of the public and the defendant in a trial within the
16 original date prescribed by the Speedy Trial Act.

17 g) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
18 et seq., within which trial must commence, the time period of September 26, 2022 to November
19 29, 2022, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local
20 Code T4] because it results from a continuance granted by the Court at defendant's request on
21 the basis of the Court's finding that the ends of justice served by taking such action outweigh the
22 best interest of the public and the defendant in a speedy trial.

23 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the
24 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
25 must commence.

26 IT IS SO STIPULATED.
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1 Dated: September 22, 2022

PHILLIP A. TALBERT
United States Attorney

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3 /s/ DAVID W. SPENCER
DAVID W. SPENCER
Assistant United States Attorney

4
5 Dated: September 22, 2022

/s/ Toni L. White
Toni L. White
Counsel for Defendant
MARTIN CERVANTES VASQUEZ

6
7 Dated: September 22, 2022

/s/ Noa Oren
Noa Oren
Assistant Federal Defender
Counsel for Defendant
ALBERTO GONZALEZ SALGADO

8
9 Dated: September 22, 2022

/s/ David D. Fischer
David D. Fischer
Counsel for Defendant
ISAIAH ALBERTO SALGADO

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15 **FINDINGS AND ORDER**

16 Pursuant to the stipulation of the parties and good cause appearing, the status conference in this
17 action is hereby continued to November 29, 2022, at 9:30 a.m., and time is excluded between September
18 26, 2022, and November 29, 2022, under Local Code T4.

19 IT IS SO ORDERED.

20 Dated: **September 23, 2022**

Dale A. Drozd
UNITED STATES DISTRICT JUDGE